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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DCML LLC,

Plaintiff,

08 cv 5829 (SAS)

v.

ECF Case

DANKA BUSINESS SYSTEMS PLC, A.D.

Electronically Filed

FRAZIER, W. ANDREW MCKENNA, DR. KEVIN :

C. DALY, JAIME W. ELLERTSON,

CHRISTOPHER B. HARNED, J. ERNEST :

RIDDLE, ERIK VONK, DAVID DOWNES,

JOSEPH E. PARZICK, and CYPRESS MERCHANT:

BANKING PARTNERS II LP,

Defendants.

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**NOTICE OF MOTION OF DANKA BUSINESS SYSTEMS
PLC FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11**

PLEASE TAKE NOTICE THAT, upon the First Amended Complaint of DCML LLC (“DCML”); the accompanying declaration of Albert L. Hogan, III, and the exhibits attached thereto; the accompanying Memorandum of Law in Support of the Motion of Danka Business Systems PLC For Sanctions Pursuant to Fed. R. Civ. P. 11; the Memorandum of Law in Support of the Motion of Danka Business Systems PLC, A.D. Frazier, W. Andrew McKenna, Dr. Kevin C. Daly, Jaime W. Ellertson, Christopher B. Harned, J. Ernest Riddle, Erik Vonk, David Downes,

and Joseph E. Parzick to Dismiss DCML LLC's First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6); and all of the prior papers and proceedings herein, Defendant Danka Business Systems PLC ("Danka") will move this Court, before the Honorable Shira A. Scheindlin, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be designated by the Court, for an order imposing sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure against DCML including (a) dismissing this action with prejudice; (b) awarding Danka all of its reasonable costs and attorneys' fees in connection with this matter; and (c) such other and further relief as this Court may deem just and proper.

Danka hereby certifies that its counsel exchanged correspondence with Plaintiff's counsel in an effort to resolve the issues raised by this motion but were unable to reach any resolution or otherwise eliminate the need for this motion.

Dated: New York, New York
August 22, 2008

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP

By: /s/ Scott D. Musoff

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